

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 22/07/2024 3:31:14 PM AEST
Date Accepted for Filing: 22/07/2024 3:31:25 PM AEST
File Number: VID1023/2023
File Title: MOIRA DEEMING v JOHN PESUTTO
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit of Renee Heath

VID 1023 of 2023

Federal Court of Australia
District Registry: Victoria
Division: General

MOIRA DEEMING

Applicant

JOHN PESUTTO

Respondent

Affidavit of: **Renee Heath**

Address: [REDACTED]

Occupation: Member of Parliament

Date: 22 July 2024

I, Renee Heath, of [REDACTED], say on oath:

1. I swore my first affidavit on 27 May 2024 (**First Affidavit**).
2. In this affidavit, I adopt the defined terms used in my First Affidavit.
3. Since swearing my First Affidavit, I have read the following affidavits served on behalf of Mr Pesutto:
 - (a) The affidavit of John Pesutto affirmed on 27 May 2024;
 - (b) The affidavit of David Southwick affirmed on 27 May 2024;
 - (c) The affidavit of Georgie Crozier sworn on 27 May 2024; and
 - (d) The affidavit of Louise Staley affirmed on 24 May 2024.

Introduction

4. I have been a member of the Liberal Party since 2017 and have interacted frequently with members of the Liberal Party throughout Victoria and interstate since then.

Filed on behalf of (name & role of party)	Moira Deeming, Applicant	
Prepared by (name of person/lawyer)	Patrick George, Solicitor	
Law firm (if applicable)	Giles George	
Tel	1300 204 602	Fax
Email	patrick.george@gilesgeorge.com.au jeremy.marek@gilesgeorge.com.au petar.strkali@gilesgeorge.com.au	
Address for service (include state and postcode)	135 King Street Sydney NSW 2000	

[Version 3 form approved 02/05/2019]

michael

Patrick George P10F4

5. I have been the Liberal Party Member for Eastern Victoria Region in the Legislative Council since 26 November 2022. Since becoming an MP in November 2022, I have interacted and mixed with others within the Victorian Parliamentary Liberal Party as well as others in Parliament (both Liberal and non Liberal MPs).
6. In addition, being the Member for Eastern Victoria Region, I regularly interact and mix with members of the public throughout the Eastern Victoria Region.

Response to Mr Pesutto's affidavit

7. In relation to paragraph [21] of Mr Pesutto's affidavit, I do not recall being aware of any 'controversy' surrounding Moira's endorsement as the Liberal Party candidate for the Western Metropolitan Region. I cannot recall any media reporting about her endorsement or any of her views. I recall Moira winning her seat overwhelmingly, and I saw this as an indication she had significant popular support within the Western Metropolitan Region. I had a personal interest in Moira's preselection and election in the Western Metropolitan Region because my friend had run against her in preselection. Accordingly, I consider I would have heard if there was any significant 'controversy' surrounding Moira or her views at that time or if there was any negative media reporting about her.
8. In relation to paragraphs [29] and [30] of Mr Pesutto's affidavit, I heard Moira's maiden speech in person. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] I do not recall any negative press about it. If there had been any negative press which was widespread or politically significant, I would expect I would have seen or heard about it at the time. I have no such recollection. Nobody within the Victorian Parliamentary Liberal Party said anything negative to me about it. I do not recall any discussions about it in the Party Room. If it had been of particular concern to the Leadership Team or others within the Victorian Parliamentary Liberal Party, I would have expected there to have been discussions about it in the Party Room. I have no such recollection.
9. In relation to paragraph [33] of Mr Pesutto's affidavit, I recall seeing some articles about the 'FOI documents' but I do not recall whether they were positive or negative towards Moira. I do not recall anyone within Parliament talking about the FOI documents or the media reporting about it. I do not recall it being a big issue at all.
10. In relation to paragraph [44] of Mr Pesutto's affidavit, I do not recall people within the circles in which I mixed talking about Moira's 'views on social and political issues' until

Stuart Pearce 8 20/24

after the Media Release was published. After the Media Release, there was discussion about Moira's views and it was unclear to me whether Mr Pesutto was seeking to expel Moira from the Victorian Parliamentary Liberal Party because of her views on sex-based rights or because of her alleged associations with Nazis. Prior to 19 March 2023, within the circles in which I mixed, I don't recall Moira's views being a significant topic of discussion. Within the circles in which I mixed, her views were not regarded as 'notorious', 'controversial' or 'hateful'. Politics by its nature is polarising and different people have different views; but I do not recall anything outside of the ordinary scope of political discourse in terms of Moira or her views. I do not understand Mr Pesutto's suggestion that Moira had 'a mixed reputation in the Parliament' - she may not have been universally supported within the Parliament, but no MP is. Politics is the contest of ideas.

11. In relation to paragraph [45] of Mr Pesutto's affidavit, within the circles in which I mixed prior to 19 March 2023, Moira did not have 'a bad reputation' nor did she have a reputation 'for giving succour to hateful and/or extreme social or political views' as suggested by Mr Pesutto. Within the circles in which I mixed, I had never heard this spoken about or suggested.
12. In relation to paragraph [144] of Mr Pesutto's affidavit, I repeat paragraph [22] of my First Affidavit. I recall Moira using the word 'hilarious' (or a word like it) in relation to the Dossier. I thought at the time she should not have used that word, because I thought it was apt to be misunderstood, but it was my clear impression at the time that she meant that the Dossier was hilarious – not that it was actually funny but that it was ludicrous and could not support her being expelled.
13. In relation to paragraph [162] of Mr Pesutto's affidavit, I repeat paragraphs [27] and [28] of my First Affidavit.

Response to Ms Crozier's affidavit

14. In relation to paragraph [17] of Ms Crozier's affidavit, I was not told when I started as a new MP in November 2022 that it was a 'convention' that Liberal MPs should 'attend a Party Room meeting unless there is a funeral, medical appointment, or emergency' or that 'in such an event the protocol (for Party members in the Legislative Council) is to inform the Party Room Leaders and Secretary if not attending a Party Room meeting'. There was no formal induction or training in relation to this that I recall. There was also no induction or training that I recall in relation to whether I could issue official Liberal Party press releases as a new MP.
15. Moira notified me (as Secretary at the time) on 20 February 2023 that she would be absent or late to the Party Room meeting on 21 February 2023.

M. Crozier

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16. In relation to paragraph [49] of Ms Crozier's affidavit, I repeat paragraph [22] of my First Affidavit.

17. In relation to paragraph [65] of Ms Crozier's affidavit, I repeat paragraph [25] of my First Affidavit, to the effect that I had understood Mr Pesutto wanted my minutes of the 27 March Meeting to be 'detailed' and that 'I typed as fast as I could' and 'was trying to capture what each person said, and to be as accurate and detailed as possible'. I also repeat paragraph [35] of my First Affidavit.

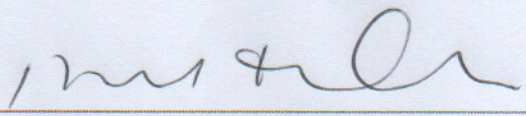
Response to Mr Southwick's affidavit

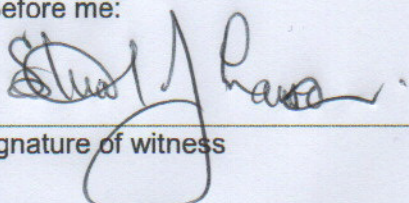
18. In relation to paragraph [62] of Mr Southwick's affidavit, I repeat paragraphs [27] and [28] of my First Affidavit.

Response to Ms Staley's affidavit

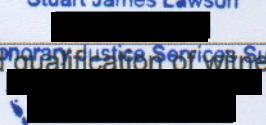
19. I do not agree with paragraphs [13] and [15] of Ms Staley's affidavit. Within the circles in which I mixed prior to 19 March 2023, Moira did not have a reputation as someone with fringe or extreme views. I also do not agree her views are 'fringe' or 'extreme'. I think, based on my interactions with those I mix with, that sex-based rights have become a mainstream issue and that Moira's views on sex-based rights are largely supported within the circles within I mix. There are those who support Moira's views publicly; but I have also had people tell me they privately support her views (but do not say so publicly).

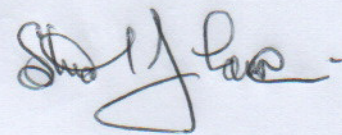
Sworn by the deponent
at Sale
in Victoria
on 22 July 2024
Before me:

)
)
) 
)
) Signature of deponent


Signature of witness

JUSTICE OF THE PEACE FOR VICTORIA
Stuart James Lawson

Name and qualification of witness


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